

Exhibit M

Page 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LEVY HUEBNER, on behalf) Case No
of himself and all other) 14-cv-06046-BMC
similarly situated)
customers,)

)
Plaintiff,)

)
vs)

)
MIDLAND CREDIT MANAGEMENT,)
INC , and MIDLAND FUNDING)
LLC,)
)
Defendants)

)
TELEPHONIC 30(b)(6) DEPOSITION OF MIDLAND
Witness JACQUELINE ROSS
Pages 1 - 50
San Diego, California
Friday, January 8, 2016

Reported by KARLA MEYER BAEZ
RPR-CRR, CSR No 4506
Job No 178390
HUDSON REPORTING & VIDEO

1-800-310-1769

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A P P E A R A N C E S

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MIDLAND CREDIT MANAGEMENT,)
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Defendants)

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TELEPHONIC 30(B)(6) DEPOSITION OF MIDLAND
CREDIT MANGEMENT, INC and MIDLAND FUNDING LLC, by
JACQUELINE ROSS, the witness, taken on behalf of the
Plaintiffs, at 501 West Broadway, Suite 800, San Diego,
California, commencing 1 16 p m and ending 2 45 p m ,
on Friday, January 8, 2016, before Karla Meyer Baez,
RPR-CRR, Certified Shorthand Reporter No 4506

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SAN DIEGO, CALIFORNIA

FRIDAY, JANUARY 8, 2016; 1:16 P M

ANGELIQUE ROSS

having been first duly sworn by the Certified
Shorthand Reporter, testified as follows:

MR SCHWARTZ: Andrew Schwartz Do you want me
to -- in order to keep the flow of the deposition going
smoothly -- we're on the record; correct?

THE REPORTER: Yes

MR SCHWARTZ: I want to make sure -- I want to
put on the order with respect to this deposition I
just want to read some language in, so that if I object
and instruct my client, the deponent, not to answer, it
will be based on the order of the court

And the order of the court with respect to this
second deposition is the deposition -- I'm going to read
from the order Plaintiff may take a further 90-minute
deposition of the Defendant's Rule 30(b)(6) witness,
limited solely to the additional documents produced
under one above

And then if I go to one, it is the documents
that were produced were the spreadsheets with the code
040 folks and with the code 261 folks

1 (Pages 1 to 4)

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1 Q. Would you please describe what criteria was
2 used?
3 A. The between the dates of October 11th, 2013,
4 and October 15th, 2014, there is one list that
5 identified accounts where a 050 was placed on the
6 account, and the other list is a list of accounts where
7 a warning code 261 was placed on the account. Between
8 those dates.
9 Q. And on those dates between October 11th, 2013,
10 and October 15, 2014, what date was identified in the
11 data? I'm going to give you an example so you
12 understand the question.
13 Was that a date when you first obtained the
14 account?
15 A. I'm not sure I understand the question.
16 Q. Okay. You identified a log, a list that
17 identified all of the 050s; that's correct?
18 A. Yes.
19 Q. And you said it was between the date of October
20 11th, 2013, and October 15th, 2014; is that correct?
21 A. Correct.
22 Q. What date in the customer or consumer's file
23 does that relate to?
24 A. That relates to the date that that code was
25 placed on the account.

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1 Q. Okay. Did anyone else assist Mr. Peterson in
2 preparing Exhibits Q and R?
3 A. I'm sorry, there was a little bit of static at
4 the beginning of that question. Can you repeat it,
5 please?
6 Q. Did anyone assist Mr. Peterson in preparing
7 Exhibits Q and R?
8 A. No.
9 Q. Do you know if Mr. Peterson prepared Exhibits Q
10 and R, then, himself, only himself?
11 A. Yes.
12 MS. GOLDSTEIN: Will the court reporter please
13 mark Midland's 305 Plaintiffs' Exhibit S.
14 (Deposition Exhibit S was marked for
15 identification)
16 (Discussion off the record re marking exhibits)
17 BY MS. GOLDSTEIN:
18 Q. We can go back on the record for now. We're
19 handing you what's been marked as Plaintiffs' Exhibit S.
20 A. Okay.
21 Q. Have you seen this document before?
22 A. Yes.
23 Q. Can you tell me what that is, Exhibit S is?
24 A. It's looks like part of the list that was
25 provided for one of those warning codes.

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1 Q. And because Exhibit S is Midland 305 and we
2 stated previously that Midland 305 to 4707 are the Bates
3 numbers for Exhibit Q, is it correct that this is the
4 first page of Exhibit Q?
5 A. I'm sorry, you said it was 305 I'm sorry,
6 305 through what page?
7 Q. 4707?
8 A. For Q? Yes.
9 Q. Okay. And, again I'm repeating
10 Plaintiffs' Exhibit Q were the accounts coded 050;
11 correct?
12 A. Correct.
13 Q. So Plaintiffs' Exhibit S, like Sam, is the
14 first page of a call log produced having the coding of
15 050; correct?
16 A. Yes, I believe so.
17 Q. What does the 050 signify? What does that mean
18 to you?
19 A. That means there was a verbal dispute
20 documented on the account.
21 Q. 050 would only be for verbal disputes as
22 opposed to written disputes?
23 A. Correct.
24 Q. Going across the top of Plaintiffs' Exhibit S,
25 I note that the first column is the account number; is

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1 that correct?
2 A. That's correct.
3 Q. And the account number, is that Midland's
4 account number?
5 MR. SCHWARTZ: Objection as to form.
6 BY MS. GOLDSTEIN:
7 Q. Whose account number is it?
8 A. Midland's account number.
9 Q. And the next column marks the first dispute
10 date; is that correct?
11 A. That's correct.
12 Q. And the next column is the consumer's address;
13 is that correct?
14 A. That's correct.
15 Q. And the fourth column is the consumer's phone
16 number; is that correct?
17 A. That's correct.
18 Q. And the last column is the consumer's name; is
19 that correct?
20 A. That's correct.
21 Q. Now, looking at Plaintiffs' Exhibit S, on the
22 first one it's H [REDACTED] S [REDACTED]; correct?
23 A. Correct.
24 Q. If Mr. Ch [REDACTED] verbally disputed his account
25 and later said, oh, I'm going to pay you now, would his

4 (Pages 13 to 16)

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1 name still appear on this log?
 2 A. Yes.
 3 Q. So this log would encompass is it correct to
 4 state that this log would encompass anyone who was ever
 5 marked in that time period as 050?
 6 A. Yes.
 7 Q. And would it also be correct that every person
 8 on Exhibit Q is it correct that every person on
 9 Exhibit Q would have an entry for the first dispute
 10 date?
 11 A. Yes. They should.
 12 Q. Who decided that the account, first dispute,
 13 address, phone numbers, and customer's name would be
 14 used to make up the list on Plaintiffs' Q?
 15 A. Can you repeat the beginning part of that
 16 question?
 17 Q. Who decided that the information on Exhibit Q,
 18 the account, the first dispute date, the address, phone
 19 numbers and consumer's name would be put on Exhibit Q?
 20 A. That was decided in conversation with our
 21 attorneys.
 22 Q. Did you have any input in deciding which of
 23 those things would be included?
 24 A. I was part of the conversation. I don't I
 25 don't know that I had direct input.

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1 Q. Plaintiffs' Exhibit S, could you tell me if
 2 they are in special order?
 3 A. I believe they are in numerical order by
 4 account number.
 5 Q. And looking at the first dispute column, where
 6 was that information obtained from?
 7 A. It was obtained from our system known as
 8 iSeries.
 9 Q. And looking at the phone numbers, do you know
 10 where Midland obtained those phone numbers?
 11 A. From the same system.
 12 Q. Are the phone numbers obtained from the system
 13 provided by the consumer or some other third party?
 14 MR. SCHWARTZ: Objection as to form.
 15 You can answer.
 16 A. It could be a mix of both. Some may be
 17 provided
 18 BY MS. GOLDSTEIN:
 19 Q. Could you explain how it could be a mix of
 20 both?
 21 A. Some may be provided by the consumer. Others
 22 may be provided by a third party, such as an issuer.
 23 Q. Is the issuer the same as the entity that held
 24 the initial disputed debt?
 25 A. Yes.

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1 Q. Did you examine Exhibit Q to see if
 2 Mr. Huebner's name was anywhere on that log?
 3 A. I did.
 4 Q. And was it?
 5 A. No.
 6 Q. So Mr. Huebner's name was nowhere on Exhibit Q;
 7 is that correct?
 8 A. Correct.
 9 Q. If Mr. Huebner's account was ever marked as
 10 050, would his name appear on Exhibit Q?
 11 A. If it was marked with a 050 between that date
 12 range
 13 Q. Yes.
 14 A. it would.
 15 Q. That's the question. I'm sorry. I can
 16 rephrase it so it's clear.
 17 If Mr. Huebner's account was marked 050 between
 18 the date range October 13th, 2013, through October 15th,
 19 2014, would his name appear on Exhibit Q?
 20 A. Yes.
 21 Q. So is it correct to state Mr. Huebner's account
 22 was not marked as 050 between the dates October 11th,
 23 2013, and October 15th, 2014?
 24 A. Yes.
 25 MS. GOLDSTEIN: Court reporter, please mark

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1 Exhibit T, like Tom, and that would be Midland 4708.
 2 (Deposition Exhibit T was marked for
 3 identification)
 4 BY MS. GOLDSTEIN:
 5 Q. Have you seen this document before, Ms. Ross?
 6 A. Yes.
 7 Q. Can you identify this document?
 8 A. This is part of the listing of accounts where a
 9 261 warning code was added during the period of time of
 10 October 11th, 2013, to October 15th, 2014.
 11 Q. And would it be correct to say that this is the
 12 first page of Exhibit R?
 13 A. Yes. I believe so.
 14 Q. You just said a 261 warning code. Could you
 15 explain to me what a 261 warning code is?
 16 A. A 261 warning code is a refusal to pay.
 17 Q. And once again look at the top of Exhibit T,
 18 and the first column is accounts; is that correct?
 19 A. Yes.
 20 Q. The second column first dispute; is that
 21 correct?
 22 A. Yes.
 23 Q. And the third column is the address; is that
 24 correct?
 25 A. Yes.

5 (Pages 17 to 20)

Page 21

1 Q. The fourth column is the phone number; is that
 2 correct?
 3 A. Yes.
 4 Q. The fifth column is the consumer's name; is
 5 that correct?
 6 A. Yes.
 7 Q. For the record, for both Exhibit R and Exhibit
 8 T, T being the first page of Exhibit R, the columns
 9 account, first dispute, address, phone numbers, and
 10 consumer name, those were chosen by counsel; is that
 11 correct?
 12 A. You're asking I'm sorry, I didn't quite
 13 understand that question.
 14 Q. I'm asking if those columns, the types of
 15 columns, account number, first dispute, address, phone
 16 number, and consumer if those were chosen by counsel.
 17 MR. SCHWARTZ: I'm going to object. I'm going
 18 to object on privilege grounds.
 19 MS. GOLDSTEIN: Well, I'm not asking what was
 20 said. I'm just ask if counsel determined that. I'm not
 21 asking for the communication.
 22 MR. SCHWARTZ: But you're asking
 23 MS. GOLDSTEIN: I'm asking a yes or no, did
 24 counsel. That's not a communication.
 25 MR. SCHWARTZ: I'll put the objection on the

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1 Q. Thank you. Looking at Exhibit T, I want you to
 2 look at the first two accounts. One is ■■■265 and the
 3 next one is ■■■369.
 4 Do you see those?
 5 A. Yes.
 6 Q. And is it correct that there are approximately
 7 104 accounts separate from each other?
 8 A. Yes.
 9 Q. And then considering those two accounts, the
 10 first dispute on the first one was November 26, 2013?
 11 MR. SCHWARTZ: Hold on. I'm going to put an
 12 objection in because I think that the first dispute
 13 heading is a misnomer. There is no dispute on the 261,
 14 but I'm not going to testify; so...
 15 MS. GOLDSTEIN: Please don't.
 16 MR. SCHWARTZ: Objection to form, because
 17 you're mischaracterizing.
 18 MS. GOLDSTEIN: Well, I'm not
 19 mischaracterizing. I'm reading what it says directly
 20 from the exhibit that you produced and you prepared.
 21 MR. SCHWARTZ: Okay. We'll get to it.
 22 MS. GOLDSTEIN: Okay.
 23 Q. The first dispute noted as November 26, 2013,
 24 and then 104 accounts later the same person, who was
 25 coded as 261, their dispute was notated as March 15th,

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1 record. You can ask and she can answer, but I don't
 2 waive privilege.
 3 MS. GOLDSTEIN: Okay.
 4 Q. Were those columns decided by counsel?
 5 A. I don't know if "decided" is the right word,
 6 but it was a conversation that included counsel.
 7 BY MS. GOLDSTEIN:
 8 Q. Okay. Thank you. The term warning code, are
 9 all of the codes considered warning codes, or is only
 10 261 considered a warning code?
 11 A. I'm not sure what you mean by all the codes.
 12 Q. There's other codes as well, 050, 033, 026.
 13 A. Okay.
 14 Q. Are they all considered warning codes?
 15 A. Yes.
 16 Q. Now, in producing Exhibits Q and R, would there
 17 be people listed on Plaintiffs' Exhibit Q and also
 18 listed on Plaintiffs' Exhibit R?
 19 A. There could be. If they had both codes, they
 20 would.
 21 Q. It's correct to say that a person could be
 22 coded 050 and 261; is that correct?
 23 A. That's correct.
 24 Q. I'm sorry, I didn't hear your response?
 25 A. That's correct.

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1 2014; is that correct?
 2 A. I don't think I understood the question. I'm
 3 sorry, I got lost somewhere.
 4 Q. Let's look back at Exhibit T.
 5 A. Okay.
 6 Q. The first account is ■■■265, and that's the
 7 first dispute. The next column says first dispute
 8 November 26, 2013, to be accurate 26-NOV-13.
 9 And the second column corresponding with
 10 account ■■■369 is 15-MAR-14.
 11 Do you see where I'm discussing now, Ms. Ross?
 12 A. Yes, I do.
 13 Q. Okay. And you told me -- you testified a
 14 little while ago that the accounts were in order of the
 15 way the accounts were, and so account ■■■369 is
 16 approximately 104 accounts later than ■■■265, and my
 17 question is could you explain why the dispute date would
 18 be so different on those two accounts.
 19 MR. SCHWARTZ: Objection as to form.
 20 You can answer.
 21 A. It just means that -- the labeling, it does say
 22 first dispute, but a 261 is not actually a dispute code.
 23 It just means that the first line for ■■■265,
 24 consumer D■■■ H■■■ had a 261 added on her account in
 25 November of 2013, whereas I■■■ J■■■ didn't have a

6 (Pages 21 to 24)

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1 261 added until March of 2014. I don't I don't
 2 think I mean the order of the accounts is that
 3 number doesn't coincide directly with what I think
 4 you're getting at about the space in time.
 5 BY MS. GOLDSTEIN:
 6 Q. Okay. Thank you. So it's your testimony that
 7 it was the date that it was coded as a 261 that would
 8 appear on this log as first dispute; is that correct?
 9 A. Yes.
 10 MR. SCHWARTZ: Objection to form. Sorry, guys.
 11 Okay. It's my fault.
 12 A. This yeah, this log is the date that the
 13 code was added to that particular account.
 14 BY MS. GOLDSTEIN:
 15 Q. We spoke a little bit ago about some people
 16 might be coded 050 and 261.
 17 If there was such a person, would this log show
 18 a different date of first dispute than the log of 050 on
 19 the same person?
 20 A. I'm not sure I understood that. Can you repeat
 21 that?
 22 Q. Okay. Sure. Let me go back. So some people
 23 you said have a coding of 050 as being disputed and
 24 their second column would be the date of their first
 25 dispute; is that correct?

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1 A. Correct.
 2 Q. And if that same person also had a coding of
 3 261, would their second column be the same as their date
 4 of first dispute if they were on the 050 log, or would
 5 that have a different date when it was marked 261?
 6 A. It would have the date that it was marked 261.
 7 So if it was marked 261 on a date different, it would
 8 show different dates for that first column or I'm
 9 sorry for that date column.
 10 MS. GOLDSTEIN: I would like to mark Exhibit U,
 11 which would be Midland 13146.
 12 (Deposition Exhibit U was marked for
 13 identification)
 14 BY MS. GOLDSTEIN:
 15 Q. Would you take a look at that, Ms. Ross,
 16 please.
 17 A. Yes.
 18 Q. Have you seen this document before?
 19 A. Yes.
 20 Q. If you go down through Exhibit U about
 21 three quarters of the way down, account number
 22 8559659948. You see that?
 23 A. Yes.
 24 Q. And there is Mr. Huebner's name; is that
 25 correct?

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1 A. Correct.
 2 Q. And the date that corresponds to what was
 3 titled as first dispute is 11 OCT 13; is that correct?
 4 A. Correct.
 5 Q. And is it your testimony that that date,
 6 October 11th, 2013, is the date that Midland notated a
 7 261 code warning code on Mr. Huebner's account?
 8 A. Yes.
 9 Q. Where did Midland obtain that information?
 10 A. I'm not sure I understand the question. Where
 11 did we obtain what information?
 12 Q. That this 261 was coded on October the 11th,
 13 2013.
 14 A. From our system iSeries.
 15 Q. Just put that to the side for a second, please.
 16 And off the record one minute, please.
 17 (Discussion off the record)
 18 (Deposition Exhibit V was marked for
 19 identification)
 20 BY MS. GOLDSTEIN:
 21 Q. Could you take a look at for the record, let
 22 me identify Exhibit V, like Victor. That would be
 23 Midland 002 to Midland 005. If you'd look at that
 24 document and tell me when you've finished reviewing it.
 25 A. Did you say it went to Midland 005?

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1 Q. Yes.
 2 A. This one only goes to 004.
 3 Q. 4. Sorry, I misspoke.
 4 A. Okay.
 5 Q. Yes. Three pages.
 6 A. Okay.
 7 Q. Have you seen this document before?
 8 A. Yes.
 9 Q. What is this document?
 10 A. These are account notes.
 11 Q. And so looking at Midland 003, about one third
 12 down on the page corresponding with 10 11 2013, what do
 13 these notes signify?
 14 A. Those notes signify an account manager that
 15 documented the account on that day.
 16 Q. Is there anywhere to signify on that date that
 17 the consumer, Mr. Huebner, refused to pay?
 18 A. Can you repeat the question?
 19 Q. Is there anything on those notes to indicate
 20 that on that date, 10 11 2013, Mr. Huebner refused to
 21 pay?
 22 A. No. That's not captured in the documentation,
 23 but the AM may have added that code to move the account
 24 out of their basically their work list.
 25 Q. I'm sorry, I didn't hear what you said. Could

7 (Pages 25 to 28)

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1 you repeat that or could the court reporter read it
 2 back?
 3 A. The AM or account manager can also add that
 4 warning code, may have added that warning code to move
 5 this account out of their direct workable accounts,
 6 basically to move it out of his list of accounts he was
 7 working.
 8 Q. Where is that notated?
 9 A. It's not.
 10 Q. So how would it be notated as refusal to pay
 11 without a communication from Mr. Huebner?
 12 A. As I mentioned, sometimes the account manager
 13 may use that code to move the account because the 261
 14 code will actually move the account out of their
 15 workable queue and if they are not able to reach the
 16 party they are trying to contact.
 17 Q. Well, how do they know that it's the refusal to
 18 pay and not someone deceased or in jail or just not
 19 answering?
 20 A. Well, they would in order to mark it with
 21 jail or deceased, they typically would have been told
 22 that by someone. It's a little bit different. The 261
 23 actually will move the account out of their queue, so
 24 they may add it for that reason.
 25 Q. Well, how would I know by examining Exhibit R

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1 BY MS. GOLDSTEIN:
 2 Q. V like Victor.
 3 A. I'm sorry, can you repeat that question?
 4 Q. How can you tell from Exhibit V that that's the
 5 reason that Mr. Huebner's account was marked as 261 on
 6 October 11th, 2013?
 7 A. I don't know that you can tell directly from
 8 Exhibit V. It's just my experience because
 9 there when I look at the previous notations, that
 10 person hadn't it doesn't look like they actually
 11 reached Mr. Huebner, and that code was added.
 12 Q. Isn't it correct on Exhibit V that on October
 13 17th, 2013, Mr. Huebner called to dispute the debt?
 14 A. Yes.
 15 Q. And was at that time was Mr. Huebner's
 16 account marked 050 to dispute the debt?
 17 A. No, it wasn't. It was marked with a 289,
 18 because in the course of that conversation the
 19 representative determined that they would close the
 20 account and stop any further collection activity. So
 21 the 289 is used instead of a 050, because that's the end
 22 of that kind of dispute route.
 23 It's being closed. So it's a code maybe beyond
 24 a 050. In the process it's the next step beyond, so
 25 there was no need to mark it with a 050 in between

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1 which people were moved just to be out of a queue and
 2 marked as 261 and which people were refusing to pay?
 3 A. I don't know that you could easily identify
 4 that. Those are it's a list of accounts that had a
 5 261 on them.
 6 Q. So your previous testimony was that a log on
 7 261 were all people who refused to pay. Is that still
 8 your testimony?
 9 MR. SCHWARTZ: I object. I think that's a
 10 mischaracterization. She said that's what the code
 11 stands for.
 12 Go ahead.
 13 A. Yeah, that might my testimony was that the
 14 261 is what the code stands for, and that list is a list
 15 of the accounts where that code was added, but you asked
 16 me what the 261, you know, said basically.
 17 (Brief interruption, telephone ringing)
 18 BY MS. GOLDSTEIN:
 19 Q. Well, how can you discern from Exhibit V that
 20 that was the reason that that was coded that way?
 21 MR. SCHWARTZ: Objection as to form. Are you
 22 talking about Huebner's account or
 23 MS. GOLDSTEIN: Yes. Yes. Yes, his account.
 24 MR. SCHWARTZ: I'm sorry, did you say Exhibit
 25 Z, as in zebra, or V as in Victor?

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1 there.
 2 Q. Is it Midland's policy to mark it as 289 and
 3 not 050 if the customer tells them they are disputing
 4 the debt?
 5 MR. SCHWARTZ: Objection as to form.
 6 You can answer.
 7 A. That doesn't apply in every situation. If
 8 the in the course of that conversation it's from our
 9 standpoint going to resolution or being closed, then you
 10 would use a you could use a 289 to signify that it's
 11 resolved or, you know, the dispute is or the account
 12 is being closed at that point.
 13 BY MS. GOLDSTEIN:
 14 Q. Isn't it correct that it's Midland's policy for
 15 New York residents if they verbally dispute the debt to
 16 always mark their account as 050?
 17 A. No, not if the account is being closed.
 18 MS. GOLDSTEIN: I'm going to mark as
 19 Plaintiffs' W Midland 291 to Midland 303.
 20 (Deposition Exhibit W was marked for
 21 identification)
 22 MR. SCHWARTZ: Before you go any further, I'd
 23 like to track that down. 291. I'm getting there. 291
 24 to 293. I'm going to object.
 25 MS. GOLDSTEIN: 303.

8 (Pages 29 to 32)

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1 MR. SCHWARTZ: Yeah, I'm going to instruct her
2 not to answer that. It goes beyond for the objection
3 I raised originally, that goes way beyond the scope of
4 the judge's order, so I'm going to instruct her not to
5 answer any questions that relate to these documents.
6 You already had the opportunity. She's already
7 testified. So I'm instructing her not to answer.
8 Do you acknowledge?
9 MS. GOLDSTEIN: Do you take your attorney's
10 instruction?
11 MR. SCHWARTZ: I do.
12 MS. GOLDSTEIN: Okay. We're still going to
13 mark that as an exhibit.
14 THE REPORTER: It's been marked.
15 MS. GOLDSTEIN: Thank you. Can we take a
16 five minute break?
17 MR. SCHWARTZ: Sure. Let's put everybody on
18 hold.
19 MS. GOLDSTEIN: Right.
20 MR. SCHWARTZ: That's fine.
21 MS. GOLDSTEIN: Thank you. We'll come
22 back I have 5:20 Eastern. We'll come back at 5:25.
23 MR. SCHWARTZ: Everybody put it on mute,
24 please, including the reporter's phone.
25 /////

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1 (Recess was taken from 2:19 until 2:24 p.m.)
2 BY MS. GOLDSTEIN:
3 Q. Ms. Ross, is there any set criteria to
4 determine whether a person should be marked as 050 or
5 261?
6 A. What do you mean by "criteria"?
7 Q. Is there any policy to give guidance to the
8 customer representative to determine how to mark either
9 250 or 261?
10 MR. SCHWARTZ: Objection as to form.
11 You can answer if you can.
12 A. For 050 there is information provided to help
13 the representatives understand disputes and to
14 understand verbal disputes so they'll know when to mark
15 it with the 050.
16 BY MS. GOLDSTEIN:
17 Q. Can you explain to me an example of some of
18 that information?
19 A. If a consumer stated that the account was
20 fraudulent or that they had paid it already or they just
21 disputed it wasn't theirs, those would be things
22 identified as a dispute. Those are some examples of a
23 verbal dispute.
24 Q. How about if the consumer says "I dispute the
25 debt"? Would that be marked 050?

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1 A. Yes.
2 Q. How about 261? Would there be any kind of
3 information to the customer support person to help
4 identify when to code that 261?
5 A. There Yes. They may use that code when, you
6 know, a consumer tells them they are not going to pay,
7 they can't pay and, you know, there is not going to be a
8 way to resolve the account, they don't they are not
9 planning on paying. That code can be used to mark the
10 account, and then it would actually move the account out
11 of that collector's workable account queue.
12 Q. But they would still place a code of 261; is
13 that correct?
14 A. I'm sorry, I didn't understand that question.
15 Q. You said it would be marked out of that
16 person's queue.
17 A. Yes. By using
18 Q. Would it go to a different code?
19 A. No. The code wouldn't change. The queue,
20 which is just a location within our system, that would
21 change; but the code would remain.
22 Q. So once a person is coded either 050, 261, or
23 anything, those codes would remain on in your system
24 on their sheet; is that correct?
25 MR. SCHWARTZ: Objection as to form.

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1 You can answer.
2 A. They generally that's true, although there
3 are situations where, for example, if a consumer says
4 they are no longer disputing, and they, you know, give
5 very clear very clear dialogue they are no longer
6 disputing and they want to pay on the account where the
7 050 would be removed, but the information would be
8 documented on the account that that's what they wanted
9 to have happen, or some people may not want it to report
10 on their credit report as disputed, so they will ask us
11 to remove the dispute from their account, and that would
12 be a reason to remove it.
13 BY MS. GOLDSTEIN:
14 Q. Did you finish? I'm sorry, I cut you off.
15 A. I was just saying that would be a reason to
16 remove it, but only on their request.
17 Q. And there's people that would actually tell you
18 not to report to the credit agency that they are not
19 disputing the charge?
20 MR. SCHWARTZ: Objection as to form.
21 A. Yes, there are. Usually not right away, you
22 know. It's usually not in the same conversation, but
23 they may decide at a later date and time they are no
24 longer disputing.
25 /////

9 (Pages 33 to 36)

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1 BY MS. GOLDSTEIN:
 2 Q. So I think about an hour ago when we began I
 3 asked you about Exhibit Q and whether if someone changed
 4 their mind they would still have been listed on Exhibit
 5 Q.
 6 Is that still your testimony?
 7 A. Yes, it is.
 8 MS. GOLDSTEIN: Okay. I have no further
 9 questions.
 10 MR. SCHWARTZ: Yeah, I have a couple questions.
 11 I have a couple questions.
 12 EXAMINATION
 13 BY MR. SCHWARTZ:
 14 Q. The question is when you testified to -- you
 15 mark it -- I believe it was a 289 code, just for
 16 clarity, you said it closes out the case. I believe
 17 that's what your testimony was; is that correct, it
 18 closes the account? Is that accurate?
 19 A. Yes. It closes the account.
 20 Q. What does that mean?
 21 A. That means that the account is no longer
 22 available for collection activity, and it also will
 23 ensure we send information to remove that account from
 24 the credit reporting.
 25 Q. So just to make sure I'm clear, when you enter

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1 verbally disputed and it was coded as a dispute. Is
 2 that an accurate statement for the time period?
 3 A. Yes.
 4 Q. Okay. And Mr. Huebner's name I believe you
 5 testified that the Plaintiff's name was not on this
 6 particular spreadsheet; is that right?
 7 A. Yes. That's correct.
 8 Q. Why not?
 9 A. During the conversation where he disputed, by
 10 the end of that conversation the representative had
 11 determined they would close the account, so they added
 12 the 289 warning code, which indicated that that account
 13 was being closed.
 14 It's a more, I guess, final indicator of what's
 15 happening on the account; and so that code would be
 16 used, not a 050.
 17 Q. And so as you again, looking back at this
 18 first page I guess it's Exhibit S the first page
 19 of this dispute code 050 spreadsheet okay? Let me
 20 know you're looking at it.
 21 A. I am.
 22 Q. Okay. Would anybody who is a 289, a deletion
 23 code would any person on that list would they
 24 appear in this spreadsheet?
 25 A. They would not unless for some reason someone

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1 that 289, it's a deletion code? Is that how would
 2 you quantify it?
 3 A. Yes, I would say it's a deletion code.
 4 Q. Okay. So are you aware of any way I don't
 5 know if this goes beyond your knowledge. Do you know of
 6 any way you can dispute a deleted account?
 7 MS. GOLDSTEIN: Objection. Form.
 8 BY MR. SCHWARTZ:
 9 Q. You can answer.
 10 A. No. I are you referring to from the credit
 11 report?
 12 Q. Correct.
 13 A. Oh, no, because you wouldn't see it to dispute
 14 it.
 15 Q. Okay. So let's go back to, I think it was,
 16 Exhibit R. Is R the 050 one?
 17 MS. GOLDSTEIN: Q.
 18 MR. SCHWARTZ: Q. I'm sorry.
 19 Q. Let's go back to Q. Well, we can actually
 20 go I guess it was S was 305; right? That's the
 21 document we were looking at?
 22 A. Yes.
 23 Q. Bear with me a second. I got to get that.
 24 Okay. So these are so this is the just
 25 to make sure I understand, this is a list of people who

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1 had added the other code as well. The 289 code is a
 2 separate would be a separate list.
 3 Q. Okay. Turn your attention to Exhibit T, which
 4 is the first page of it's the refusal to pay
 5 spreadsheet. Tell me when you're there.
 6 A. I'm there.
 7 Q. And I am not.
 8 Okay. So you see at the top there are these
 9 categories. We talked about this before. There's the
 10 first header says account. The second header is where I
 11 want you to pay attention.
 12 It says first dispute, and it's got dates
 13 underneath it. Okay? Let me ask you this question
 14 while you're looking at that: Is the 261 code a dispute
 15 code?
 16 A. No, it is not.
 17 Q. So if you put 261 on an account, would that
 18 indicate that a consumer disputed the account?
 19 A. No, it would not.
 20 Q. And it wouldn't mark a credit report as
 21 disputed?
 22 A. No, it would not.
 23 Q. Why not?
 24 A. Because it's not a dispute code. You would use
 25 a different code if the consumer was disputing.

10 (Pages 37 to 40)

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1 Q. So if a person then said I just to make sure
2 I understand, I'll give you an example. If I said "I'm
3 unemployed, I can't pay this," you'd enter a 261 code,
4 refusal to pay; is that accurate?

5 A. Yes.

6 Q. If I said to you "I can't pay it because I
7 don't think I owe this," how would that be marked?

8 A. If they said they didn't think they owed it,
9 then likely there would be a probably a follow up
10 question to determine what they meant by that, but that
11 sounds more like a dispute, so that would be a 050.

12 Q. So in what instance would it be marked with the
13 refusal to pay code, the 261 code, and the 050 code?
14 Give me an example.

15 A. Let's say that we provided something to the
16 consumer after dispute. The dispute code would still
17 remain because it will remain as long as they are
18 disputing. And we may then ask them for additional
19 information and they refuse to further try to resolve
20 their dispute and they just say, well, I'm not going to
21 send anything and I'm not going to pay this either.
22 Then you may see both codes on the account.

23 Q. Even if both codes are on even if somebody
24 had done that, it would still be marked as disputed?

25 A. Yes, as long as the if the consumer is still

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1 Q. Okay. If you look at the first account we
2 talked about this a little bit. It says November
3 13th no, I'm sorry November 26, 2013?

4 A. Yes.

5 Q. Is that a first dispute?

6 A. No.

7 Q. What is it? Sorry, I didn't mean to cut you
8 off.

9 What is it?

10 A. It's the date that that warning code 261 was
11 added. It's first dispute is it's just a
12 mislabeling of the header of the column. I mean it
13 probably would be better if it just said date or date
14 warning code was added.

15 Q. So I want to make sure that we're looking at
16 Exhibit T. Looking down that entire column, is your
17 answer consistent

18 A. Yes.

19 Q. that okay.

20 A. Because T is 2 sorry.

21 Q. Go ahead.

22 A. T is the 261 list, and that would be the date
23 that that warning code was added, which is not a dispute
24 code.

25 Q. And so throughout the entire I guess with

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1 disputing, we don't take those codes off unless they
2 specifically tell us to remove the dispute.

3 Q. Mr. Huebner appears on the spreadsheet K I'm
4 sorry on Q, which is the full spreadsheet or I
5 believe no. We marked it as U; is that correct?

6 A. U, yes.

7 Q. On U Mr. Huebner appears on the refusal to pay
8 261 spreadsheet; is that correct?

9 A. That's correct.

10 Q. Does that give looking at that, does that
11 indicate that he disputed his debt based on just the
12 spreadsheet? I'm not talking about the account list.

13 A. No.

14 Q. So just to be clear, code 261 is entirely
15 independent of a dispute code?

16 A. Correct.

17 Q. Okay. Now, going back to the to Exhibit T
18 at the top it has certain labels, account and first
19 dispute.

20 Do you see that?

21 A. Yes.

22 Q. Okay. Now, notwithstanding the fact it says
23 first dispute, those are the same categories that are in
24 Exhibit S?

25 A. Yes.

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1 the Q, R it's R. The entire document you don't have
2 in front of you, I believe, but will be the entire
3 spreadsheet for code 261 refusal to pay that entire
4 spreadsheet would your testimony remain consistent that
5 that date under the column first dispute is in fact the
6 date when the code 261 is entered?

7 A. That's correct.

8 MR. SCHWARTZ: Okay. I don't think I have any
9 further. Let me just make sure.

10 MS. GOLDSTEIN: I have a couple of follow up if
11 you don't have more.

12 MR. SCHWARTZ: Go ahead. I'm done.

13 FURTHER EXAMINATION

14 BY MS. GOLDSTEIN:

15 Q. You testified that 289 closes the account; is
16 that correct?

17 A. That's correct.

18 Q. And then is the customer's or consumer's file
19 which you've maintained on your computer would that
20 account be marked closed?

21 A. Yes. If you mean would it look closed from

22 Q. Yes. Would it be marked closed when the
23 date that the 289 code was put in?

24 A. That's not exactly how it looks in our system;
25 but, yes, you could tell that the date that the 289 was

11 (Pages 41 to 44)

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1 added would be the date that the internal account is
 2 closed and no longer available for collection activity.
 3 Q. And when you just said it would look a little
 4 different, could you describe how different it would
 5 look?
 6 A. It basically would look like the Exhibit V, but
 7 when you mention the word "closed," I mean it doesn't
 8 say "closed." It says, you know, account deleted. So
 9 I'm sorry, that's what I meant.
 10 Q. Okay. And you just spoke about labeling of
 11 Exhibit R.
 12 Did the plaintiff choose those headings of
 13 account, first dispute, address, billing numbers,
 14 consumer's name to put on these exhibits?
 15 A. We -- yes, we did, and I believe we used the
 16 050 list first and likely just used the same headings
 17 and didn't --
 18 Q. I'm going to clarify the question, because I
 19 don't think you understood me.
 20 I asked if the plaintiff chose those. So let
 21 me just go back and ask.
 22 Did the plaintiff, Mr. Huebner, choose those
 23 headings?
 24 A. No.
 25 Q. And it's correct that Midland chose those

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1 headings; correct?
 2 A. Yes.
 3 MS. GOLDSTEIN: I have no further questions.
 4 MR. SCHWARTZ: Thank you.
 5 MS. GOLDSTEIN: Thank you everyone. Have a
 6 very nice weekend.
 7 MR. SCHWARTZ: Bye, everybody.
 8 (Whereupon at 2:45 p.m. the deposition was
 9 concluded)
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1 DECLARATION UNDER PENALTY OF PERJURY
 2
 3 I, JACQUELINE ROSS, do hereby declare under
 4 penalty of perjury that I have read and examined the
 5 foregoing testimony and the same is a true, correct, and
 6 complete transcription of the testimony given by me and
 7 any corrections appear on the attached errata sheet
 8 signed by me
 9
 10
 11 (DATE) (SIGNATURE)
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1 REPORTER'S CERTIFICATE
 2
 3 I, KARLA MEYER BAEZ, Certified Shorthand Reporter
 4 No. 4506 for the State of California, do hereby certify:
 5 That prior to being examined, the witness named in
 6 the foregoing 30(b)(6) deposition, JACQUELINE ROSS, was
 7 duly sworn to testify the truth, the whole truth, and
 8 nothing but the truth;
 9 That said deposition was taken down by me in
 10 shorthand at the time and place therein named and
 11 thereafter reduced by me to typewritten form and that
 12 the same is a true, correct, and complete transcript of
 13 said proceedings
 14 Before completion of the deposition, review of the
 15 transcript { } was {X} was not requested. If requested,
 16 any changes made by the deponent (and provided to the
 17 reporter) during the period allowed, are appended
 18 hereto
 19 I further certify that I am not interested in the
 20 outcome of the action
 21 Witness my hand this 14th day of January, 2016
 22
 23
 24
 25 KARLA MEYER BAEZ, CSR NO. 4506

12 (Pages 45 to 48)